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changing your name in ontario



Ontario

Ministry of
Consumer and
Commercial
Relations

Introduction

Ontario's new Change of Name Act makes it much easier, cheaper and faster for Ontarians to change their names. The new act replaces a system that sometimes required months of waiting and expensive legal fees. Instead of a legal procedure, the act provides for a simple administrative process and it also permits a wider choice of names.

Are there any terms I should know before reading on?

There are two terms which describe two distinct procedures for changing one's name: "election to change surname" and "application for change of name".

Election to change surname (family name)

Persons may elect to change their surname as a result of marriage or if they are living in a conjugal relationship (common-law relationship). Individuals making the election can change their surname only. They may elect to change their own surname to the surname the other spouse had immediately before the union, or to a surname combining those of both spouses with hyphens, in either order.

If the relationship or marriage ends, partners have 90 days to revert to the original surnames.

Application for change of name

Persons who are at least 16 years old and have lived in Ontario for the preceeding 12 months may apply to the Office of the Registrar General to change their own given names, surnames or both. They may also make an application to change the name of a child of whom they have lawful permanent custody.

How long will it take to change a name?

The application process should take no longer than two to three weeks. Processing time may vary depending on the workload at the Office of the Registrar General and the accuracy and completeness of applications submitted.

Do I have to explain the reasons for my change of name to a judge or other official?

No. The new Change of Name Act replaces a system that once required the applicant to go before a judge and explain the reasons for the name change. The new system simply involves the submission and processing of an application form.

Does the new act give me a broader choice of names within marriage or a conjugal (common-law) relationship?

Yes. In either a marriage or a conjugal (common-law) relationship, individuals may elect to change their names to their spouses' names, or both names hyphenated or combined. For example, if Bob Smith married Sally Jones, their married surname could be Smith, Jones, Jones-Smith or Smith-Jones.

The selection of surname is limited to the surnames the spouses had immediately before the union.

What documentation do I need?

You must submit all birth certificates and any previous change-of-name certificates. Also, if you are changing back to your former name, you must submit a divorce certificate, an annulment certificate or the death certificate of your spouse.

But what if my partner and I want to use a name that neither of us had before?

In this case, you may apply under the "application for change of name" section rather than under the "election" section of the act.

If I'm married, am I legally obligated to tell my spouse if I decide to change my name?

Yes. If you're married or have filed a joint declaration of a conjugal relationship that has not been revoked, you must give your spouse

notice of the change of name and a copy of the application. The Office of the Registrar General will provide you with a form for this notice.

However, you do not need your spouse's consent to change your name.

If my marriage or relationship dissolves, leading to separation or divorce, what names may I then take?

Under the act's "election" provision, you may take the name you had before the union. You can take advantage of the election provision to within 90 days of termination of the union. After 90 days, however, you must make an application for change of name. If you want to change to any other name, you must also make an application for change of name.

Are there restrictions on changing my name if I am under 18 years of age?

If you are under 16, you cannot submit an application on your own behalf.

You must be at least 16 and have lived in Ontario for the preceeding 12 months. If you are unmarried and between the ages of 16 and 18, you must provide the written consent of all persons who have lawful custody of you (your parents or guardians).

These consents are not required if you are married. Proof of marriage must be submitted with the application.

Are there restrictions on changing the name or names of a child who is in my custody?

Yes. In some cases, you must give notice to or obtain written consent from:

- any other person who has lawful custody of the child (for example, the other parent, if you have joint custody);
- any other person who may be named on a court order or a separation agreement if that agreement prohibits any change to be made without that person's consent; or
- the child if the child is 12 years of age or older.

You must give notice and a copy of the application to every person who is lawfully entitled access to the child.

In addition, if you are applying to change the child's name to the last name of your spouse (the person to whom you are married or with whom you have filed a Joint Declaration of Conjugal Relationship), you must give your spouse notice and a copy of your application.

Note: The government of Ontario has already corrected past inequities in establishing a child's surname (last name or family name) at birth, through the Vital Statistics Amendment Act, which went into effect in August, 1986. Parents can now give a child the mother's surname, the father's surname or both their surnames hyphenated — in either order. The act also has a retroactive feature, allowing parents to make the above changes to their child's surname until the age of 12. There is a \$25 fee.

Must I provide proof of notice with the application?

Yes. When you are required to give a person notice of the application, you must submit one of the following with your application:

- an acknowledgement of notice signed by the person; or
- evidence satisfactory to the Office of the Registrar General that you sent notice and a copy of the application to the person, by registered or certified mail, at least 30 days before making the application.

Refusal to acknowledge notice does not delay the processing of the application. Whether or not the person who has been given notice acknowledges that he or she has received notice and a copy of the application, the Office of the Registrar General may proceed with the application if satisfied that the individual was given notice.

What can I do if a person whose consent is required refuses to give it?

An application will be denied if consent is not provided from a person who has lawful custody of a 16- to 18-year-old applicant, or shares joint custody with an applicant, of a child named on

the application. In this case, the applicants may apply to the Provincial Court (Family Division) for an order allowing the individuals to apply without the consent.

If a child who is 12 years of age and older refuses to give consent, the application will be refused. The consent is not required if a medical practitioner states in writing that in his or her opinion, the child does not have the capacity to consent. This statement must have been made within one year prior to the application.

What documents do I need?

You must submit all birth certificates and any previous change-of-name certificates for each candidate. As well, you will need a statement by a guarantor who knows the applicant and can confirm the applicant has lived in Ontario for at least one year prior to the application date.

The following have been prescribed as guarantors: provincial judges; justices of the peace; chiefs of Indian bands; persons authorized to perform marriages; medical doctors; lawyers; heads of municipal councils; clerks of municipalities; principals of elementary or secondary schools; and managers or signing officers of bank branches, loan companies, trust companies, credit unions or caisses populaires.

What if my documents are not in English or French?

All documents submitted must be translated into English or French. You must also provide a statement from the translator stating he or she understands both English and French and the language on the original document, and that the translation is true and complete. The statement should be signed in the presence of a notary public or commissioner for taking affidavits. A small fee may be charged for this service.

How will the government register my change of name, and what sort of certificate will I receive?

If you were born in Ontario, the Office of the Registrar General will amend your birth record to

reflect the new name, whether your name is changed by the election provision or an application for change of name.

If you were born in another province and change your name in Ontario, the Office of the Registrar General will send notification of all changes resulting from “applications for change-of-name” to the Vital Statistics Office in the province of birth (excluding Quebec). Notifications for changes made under the election provision will not be sent to any other province.

Notifications will not be forwarded to other countries.

In all cases, when the “election to change surname” and the “application to change name” have been processed, the Office of the Registrar General will automatically issue a file size change-of-name certificate free of charge. This document will contain the applicant’s former name, the new name, place of birth, change-of-name registration number and date. If more than one person is named on an application (i.e. parent and two children), the one change of name certificate will contain all the names.

If the individuals were born in Ontario, the Office of the Registrar General will issue a new birth certificate after the record has been amended.

A wallet size change-of-name certificate containing the applicant’s former name, new name, date and place of birth, change of name registration date and number will also be available (\$10 fee).

How much will it cost?

The fee to change a surname by election is \$25. This fee applies to all elections made during a relationship or marriage to within 90 days after termination of the union. Those who wish to resume their former surname after the 90-day period is over, must make an “application for change of name”.

No fee will be charged for elections made within 90 days of the date of marriage or of filing a joint declaration of conjugal relationship.


The fee for an application for change of name is \$100. The fee for an application made by an

individual, to change his or her surname along with the names of children of whom the person has custody, i.e. a parent and two children, is:

- \$100 for the parent; and
- \$15 for each child named on the application.

Where can I get more information about Ontario's new Change of Name Act?

For further information, call the Office of the Registrar General in Toronto, at (416) 965-7984, or toll free 1-800-268-7543. Or write to the Office of the Registrar General, Macdonald Block, Queen's Park, Toronto, Ont., M7A 1Y5.



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